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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/663,060	09/12/2003	Tadayoshi Okada	A35998-074224.0118	1995
21003	7590	06/24/2005	EXAMINER	
BAKER & BOTTS 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			KATCHEVES, BASIL S	
			ART UNIT	PAPER NUMBER
			3635	

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/663,060

**Applicant(s)**

OKADA ET AL.

**Examiner**

Basil Katcheves

**Art Unit**

3635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 10-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 10-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/18/05</u> . | 6) <input type="checkbox"/> Other: _____  |

17

### **DETAILED ACTION**

Pending claims 10-18 are examined below.

#### ***Claim Rejections - 35 USC § 103***

Claims 10-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,412,913 to Daniels et al. as in the previous office action.

Regarding claim 10, Daniels discloses a high strength bolt connection (fig. 4), without fire protection, including at least one column (fig. 4: 100) and beams (fig. 4: 112). However, Daniels discloses the basic claim structure of the instant application but does not disclose specific component load bearing properties. Applicant fails to show criticality for specifically claimed load bearing properties, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims for use in applications where specific load bearing properties are required.

Regarding claim 11, Daniels discloses the basic claim structure of the instant application but does not disclose specific load bearing force properties. Applicant fails to show criticality for specifically claimed load bearing force properties, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

Regarding claim 12, Daniels discloses the use of bolts and nuts (column 6, line 16, washers (column 6, line 19). Daniels also discloses the bolts as being hexagonal (fig. 1: 45).

Claim 13 is rejected for reasons cited in the rejection of claim 12. In addition, Daniels discloses the structure as made from steel (column 3, line 39). Applicant should note that steel has an inherently high temperature strength.

Regarding claim 14, Daniels discloses the structure as made from steel (column 3, line 39). Applicant should note that steel has an inherently high temperature strength.

Regarding claims 15-18, Daniels discloses the basic claim structure of the instant application but does not disclose specific load bearing dimensions of the bolts. Applicant fails to show criticality for specifically claimed load bearing bolt dimensions, therefore it would have been an obvious design choice to use the dimensions such as specified in these claims.

### ***Response to Arguments***

Applicant's arguments filed 4/18/05 have been fully considered but they are not persuasive. Applicant argues that the prior art (Daniels) does not teach the use of ultra high strength bolts to meet a desired fire resistance. However, the applicant should note that the bolts of the prior art meet the claim limitations of the instant application, as claimed. The prior art also discloses bolts, which inherently have a fire resistance property to a degree. The applicant is arguing results of the invention, but does not claim the structure to attain such results. Applicant should note that the prior art meets the structural limitations of the application, and therefore may behave in a manner such as that of the application. High strength and fire resistance are relative terms to steel

Art Unit: 3635

structures, as steel has an inherently high strength and relatively significant fire resistance.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Basil Katcheves whose telephone number is (571) 272-6846. The examiner can normally be reached on Monday-Friday from 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carl Friedman, can be reached at (571) 272-6842.

BK

  
Basil Katcheves

6/20/05

Primary Examiner, AU 3635